

REMARKS / DISCUSSION OF ISSUES

In the present amendment, claims 1, 9 and 12 are amended. The support for the claim amendments may be found, for example, in Applicant's specification, page 6, lines 11 – 18. No new matter is added.

Claims 8 and 10 are cancelled without prejudice. Claims 1 – 7, 9, 11 and 12 are now pending in the application. Claims 1, 9 and 12 are independent.

35 U.S.C. 102

Under 35 U.S.C. 102(b), the Office Action rejects claims 1, 5 – 7, 9 and 12 over Funada et al. (US 4,416,515), hereinafter Funada.

Applicant submit that for at least the following reasons, claims 1, 5 – 7, 9 and 12 are patentable over Funada.

For example, amended claim 1, in part, requires:

“a switchable reflector positioned behind the color converting substance such that the color converting substance is between the reflector and the light source, forming a switchable resonance structure for the first emission spectrum,”

“a first state wherein the reflector will at least substantially reflect source light incident on the cell,” and

“a second state wherein the reflector will at least substantially transmit source light incident on the cell.”

In the Office Action, page 7, the Office conceded that Funada fails to disclose a switchable reflector positioned behind the color converting substance such that the color converting substance is between the reflector and the light source, in the first state of the color conversion cell, the reflector at least substantially reflects source light incident on the cell, and in the second state of the color conversion cell, the reflector at least substantially transmits source light incident on the cell. Therefore, claim 1 is patentable over Funada.

Because of the above defects in Funada, the Office Action cited Valliath. Although Valliath, column 3, lines 30 – 36, discloses a holographic optical element 14 having interference patterns that redirect a light spectrum, Applicant submits that the holographic optical element is not equivalent to the resonance structure, as claimed. This is because a holographic optical element operates by having interference patterns for redirecting light to predetermined directions; it does not require nor even suggest that the optical elements to form a resonance structure. In particular, nothing in Valliath, teaches or suggests that the elements form a switchable resonance structure for the first emission spectrum.

Therefore, claim 1 is also patentable over Funada and Valliath, either singly or in combination.

Similarly, independent claim 9, in part, also requires:

"a switchable reflector positioned behind the color converting substance such that the color converting substance is between the reflector and the light source, forming a switchable resonance structure for the first emission spectrum,"

"a first state wherein the reflector will at least substantially reflect source light incident on the cell," and

"a second state wherein the reflector will at least substantially transmit source light incident on the cell."

Furthermore, independent claim 12, in part, requires:

"a switchable reflector positioned behind the color converting substance such that the color converting substance is between the reflector and the light source, forming a switchable resonance structure for the first emission spectrum."

Since independent claims 9 and 12 contain many similar distinguishing features as discussed above with respect to claim 1, Applicant essentially repeats the above arguments for claim 1 and applies them to claims 9 and 12, pointing out why Fundada and Valliath fail to disclose the above claimed features. Therefore, claims 9 and 12 are also patentable.

Dependent claims 2 – 7 and 11 respectively depend from claims 1 and 9, and inherit all the respective features of claims 1 and 9. Thus, claims 2 – 7 and 11 are patentable for at least the reason that they respectively depend from claims 1 and 9, with each claim containing further distinguishing features.

Under 35 U.S.C. 102(b), the Office Action rejects claims 1 – 6, 9, 11 and 12 over Iwanaga et al. (JP 09-258272), hereinafter Iwanaga.

Applicant further submits that Iwanaga does not teach or suggest a switchable reflector positioned behind the color converting substance such that the color converting substance is between the reflector and the light source, forming a resonance structure for the first emission spectrum. Therefore, claims 1 – 6, 9, 11 and 12 are patentable over Iwanaga.

Withdrawal of the rejection of claims 1 – 7, 9, 11 and 12 under 35 U.S.C. 102(b) is respectfully requested.

35 U.S.C. 103

Under 35 U.S.C. 103(a), the Office Action rejects claim 8 over Iwanaga, in view of Valliath; and claim 10 over Funada, in view of Tei (JP10-206850 A).

In the present amendment, claims 8 and 10 are cancelled. Withdrawal of the rejection of claims 8 and 10 under 35 U.S.C. 103(a) is respectfully requested.

Conclusion

In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

By: /Hay Yeung Cheung/
Hay Yeung Cheung
Registration No.: 56,666
Myers Wolin, LLC

Please direct all correspondence to:

Larry Liberchuk
Corporate Counsel
U.S. PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001